

Sunset Public Hearing Questions for
Great Smoky Mountains Park Commission
Created by Section 11-19-101, *Tennessee Code Annotated*
(Sunset termination June 2010)

1. **Provide a brief introduction to the commission, including information about its purpose, statutory duties, staff, and administrative attachment.**

The Great Smoky Mountains Park Commission (the Commission) was created by the General Assembly in 1974 to “devote its attention to the problems of that portion of the Great Smoky Mountains National Park which lies within the state of Tennessee.” T.C.A. §11-19-101. Its charges include:

- Conferring with the National Park Service regarding policies observed in Great Smoky Mountains National Park (GSMNP)
- Providing information to Congress regarding needs of the Park, including financial appropriations
- Cooperating with similar commissions in states adjacent to GSMNP
- Taking action to preserve the natural beauty and scenery of GSMNP

The Great Smoky Mountain Park Commission is an independent body attached to the Tennessee Department of Environment and Conservation (TDEC) for administrative purposes, and TDEC provides administrative support to the Commission. The law specifies that the Commission is to meet at least every six months; however, the Commission typically meets three times per year.

2. **Provide a list of current commission members and describe how membership complies with Section 11-19-102, *Tennessee Code Annotated*. Who appoints members? Are there any vacancies on the commission? If so, what steps have been taken to fill the vacancies?**

The Commission consists of five members appointed by the Governor as well as the commissioners of the Department of Tourist Development and Department of Environment and Conservation, who are also actively involved with the Commission. The members serve staggered five-year terms, and there are no special requirements for appointment. The current membership includes:

Mr. H. Dean Stone, Maryville, Chairman
Mr. David Willard, Gatlinburg, Vice-Chairman
Ms. Jamesena Miller, Sevierville
Mr. Daniel Lawson, Maryville
Mr. Bill Clabough, Maryville
Commissioner Susan Hinchcliff Whitaker, Dept. of Tourist Development
Commissioner Jim Fyke, Dept. of Environment and Conservation

There are no vacancies on the Commission.

3. **Does membership include a member who is sixty years of age or older? A member who is a racial minority? A member who is female?**

There are at least two appointed members who are sixty years of age or older, and there is one female member, who is also a racial minority. This does not include the commissioners of Tourist Development or Environment and Conservation.

4. **What per diem or travel reimbursement do members receive? How much was paid to commission members during fiscal years 2008 and 2009?**

Members receive no compensation for their services. The Commission does not receive state appropriations and does not have a budget. Members are entitled to reimbursement for necessary travel expenses; however, no expenses were submitted or reimbursed in fiscal years 2008 and 2009. The Commission members have contributed their time and services for the good of the park at no cost to the state.

5. **What were the commission's revenues (by source) and expenditures (by object) for fiscal years 2008 and 2009?**

The Commission does not receive any revenues.

6. **Please describe what policies and procedures the commission has in place to address potential conflicts of interest by commission staff and employees.**

This does not apply because the Commission does not have staff or employees and does not hear contested cases or promulgate rules.

7. **Does the commission submit an annual report of its activities to the Governor and the General Assembly within fifteen days after the convening of each regular legislative session as required at Section 11-19-104, Tennessee Code Annotated? What other reports does the commission prepare concerning its activities, operations and accomplishments? Who receives copies of these reports? Please attach copies of any reports issued during fiscal years 2008 and 2009.**

Although the Commission has not submitted an annual report in the time frame mentioned, the Commission and Ex-officio members have submitted information to the Governor and General Assembly related to the Commission and Great Smoky Mountains National Park as issues arise. The Department of Tourist Development kept the Commission updated as it produced a series of articles in 2008 for the department's e-newsletter on its Sustainable Tourism Summit and the national park's year-long 75th Anniversary celebrations. Those were all distributed to the members of the General Assembly. The Department of Tourist Development also sent the General Assembly letters of invitation and explanation for the Sustainable Tourism Summit, held in Knoxville in 2008 in cooperation with the Great Smoky Mountains National Park. Additionally, Chairman Stone extended an invitation to Governor Bredesen for a 75th Anniversary celebration at Clingman's dome in April 2009 and local legislators were also invited

to that event, as well as all Commission meetings. Other reports since the last Sunset Hearing in 2004 include status reports regarding issues affecting the park, such as the Hemlock Woolly Adelgid.

8. **What were the commission's major accomplishments during fiscal years 2008 and 2009? Specifically, describe the nature and extent of commission activities in the following areas (as defined in Section 11-19-103, *Tennessee Code Annotated*) during fiscal years 2008 and 2009:**
 - a. **Confer with the national park service, as a representative of the state of Tennessee, with regard to policies of the national park service to be observed in the Great Smoky Mountains National Park;**
 - b. **Furnish informational services to the United States Congress with reference to the needs of the Great Smoky Mountains National Park including, but not limited to, the end of obtaining financial appropriations for the park;**
 - c. **Cooperate with similar commissions in other states adjacent to the Great Smoky Mountains National Park;**
 - d. **Urge the reasonable use of trails within the Great Smoky Mountains National Park;**
 - e. **Maintain, to as great an extent as possible, the entrances to the Great Smoky Mountains National Park free from commercial advertising and/or businesses; and**
 - f. **Take other action, as may be considered desirable, to preserve intact the natural beauty and scenery of the Great Smoky Mountains National Park.**

The Commission is comprised of persons who reside in the immediate vicinity of the Great Smoky Mountains, who represent a variety of perspectives on the issues involving the park, and who are familiar with and understand these issues. The Commission also stays abreast of park issues and activities through regular briefings from park staff, TDEC and Tourist Development staff and the many local advocacy organizations whose mission and purpose is protecting and promoting the park. The Commission provides an important channel of communication between key state departments and the national park, which otherwise would not exist. The Commission and its sister agency, the North Carolina National Park, Parkway, and Forests Development Council, hold an annual joint meeting to discuss issues affecting both the states of Tennessee and North Carolina and to support each other's activities. The most recent joint meeting was held June 24, 2009 in North Carolina.

The Commission played a key role in helping get the Friends of Great Smoky Mountains specialty license plate legislation enacted. The money raised from the sale of these plates goes for the care of the Great Smoky Mountains National Park. The legislation was passed by the General Assembly in 1998 as Public Chapter 1063.

The Commission acts by formal resolution as well as formal and informal communication with state and national leaders (e.g., Congressional delegation, General Assembly, National Park Service officials, Governor's office and Cabinet members) as park issues and needs are identified. Recent examples include:

- Correspondence with the Governor's office and local legislators regarding 75th Anniversary events and celebrations
- Correspondence with the National Park Service regarding the quick actions of park staff after damaging storms hit the park.
- Communication with TDEC staff and the Tennessee Historical Commission regarding future management of the Elkmont Historic District.
- Facilitated cooperative efforts between the state of Tennessee and other state and federal agencies and organizations to help battle the Hemlock Woolly Adelgid.

The Commission also stays abreast of matters involving public participation. Examples include:

- The Cades Cove transportation and development planning process
- The future of historical structures at Elkmont
- The Northshore Road settlement.

The Commission also is concerned with air quality issues in the park and periodically receives status updates regarding state and federal actions that can affect air quality.

9. Does the commission have authority to promulgate rules? If not, is rule-making authority needed? If rules have been promulgated, please cite the reference.

The Commission does not have authority to promulgate rules and does not currently seek such authority.

10. Describe any items related to the commission that require legislative attention and your proposed legislative changes.

None at this time.

11. Should the commission be continued? To what extent and in what ways would the absence of the commission affect the public health, safety, or welfare?

Yes. The Great Smoky Mountains Park Commission is an unpaid volunteer body whose primary concern is the welfare of the Great Smoky Mountains National Park. No other state-level agency is charged with the responsibility to act on behalf of the state of Tennessee with regard to policies of the National Park Service and to take action to preserve the natural beauty and scenery of the Great Smoky Mountains National Park. The Commission continues to act as an advisor to the Park staff, liaison with the state of Tennessee, and park advocate with the federal government and the Tennessee Congressional delegation on matters affecting the needs of the park and the enhancement, protection and preservation of its vast natural and cultural resources. For example, the Commission has helped resolve issues of concurrent jurisdiction in the most problem areas along park boundaries, which allows the park staff to respond to emergencies as well as local authorities. Today, Tennessee has better working relationships and dialogue with all national parks in the state because of efforts spearheaded by the Commission. The Great Smoky

Mountains Park Commission fulfills these roles at little or no expense to the state, and therefore its authorization should be extended.

12. Please list all commission programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

The Commission does not receive any federal funds.

If the commission does receive federal assistance, please answer questions 13- through 20. If the commission does not receive federal assistance, proceed directly to question 19.

13. Does your commission prepare a Title VI plan? If yes, please provide a copy of the most recent plan.
14. Does your commission have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.
15. To which state or federal agency (if any) does your commission report concerning Title VI? Please describe the information your commission submits to the state or federal government and/or provide a copy of the most recent report submitted.
16. Describe your commission's actions to ensure that commission staff and clients/program participants understand the requirements of Title VI.
17. Describe your commission's actions to ensure it is meeting Title VI requirements. Specifically, describe any commission monitoring or tracking activities related to Title VI, and how frequently these activities occur.
18. Please describe the commission's procedures for handling Title VI complaints. Has your commission received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

19. Please provide a breakdown of current commission staff by title, ethnicity, and gender.

The Commission has no staff. It receives administrative assistance from the Tennessee Department of Environment and Conservation.

20. Please list all commission contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

This does not apply.